



December 2, 2015 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

16AN0115

Stanley R. Holmes, III

Matoaca Magisterial District
9401 Qualla Road

REQUEST: A variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road is constructed to State standards or a Parcel Line Modification is obtained.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- C. Practical alternatives exist that would eliminate the need for this variance

GENERAL INFORMATION

Location:

The request property is located approximately 440 feet off the west line of Qualla Road, approximately 400 feet north of Spring Run Road. Tax ID 741-664-7510.

Existing Zoning:

A

Size:

0.7 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, East and West – A; Vacant

South – A; single-family dwelling – manufactured home

Utilities:

This property is located within the mandatory hook-up for public water and wastewater systems. Water is 980 feet from the subject property and sewer is 4,400 feet away. The proposed request will not impact the public water and wastewater systems.

Fire Service:

The Winterpock Fire Station, Company Number 19, currently provides fire protection and emergency medical service. This request will have a minimal impact on Fire and EMS.

The Fire Dept. recommends the owner provide a 15 foot all-weather road capable of supporting 75,000lbs in order to provide access for fire apparatus and ambulances. This road should extend from the improved public road to the proposed dwelling.

Transportation:

The proposal will have minimal impacts

Health Department:

The Health Department must approve any new or expanded use of individual well and septic systems.

Environmental Engineering:

The proposal will have minimal impacts

Comprehensive Plan:

The subject property is located within the boundaries of The Comprehensive Plan, which suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre).

DISCUSSION

The applicant requests a variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District. The applicant has indicated the access to the subject property will be over a private easement from Point A to Point B, as shown on the attached plan (Attachment 1).

The applicant provides the following justification in support of this request:

“The property was recorded in 1959 before road frontage became a requirement to build. Without this variance the lot would be unbuildable and unusable”.

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner’s immediate family, or complies with the plat validation process. In this case, the property was recorded on November 19, 1959. Therefore, the Board of Zoning appeals must determine if a public road must be constructed to State standards, or a variance should be granted for no public road frontage.

Access to Qualla Road:

The subject property is located off the west line of Qualla Road and was purchased by the applicant in 2012. The applicant intends to build a single-family residence on the subject property and use a portion of an existing driveway that was constructed for the benefit of a parcel to the east of the subject property known as 9412 Qualla Road.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling, and that the road should be capable of supporting fire equipment and/or ambulances. The road should have at least a fourteen (14) foot clearance to overhanging objects.

Staff visited the site and found an existing private driveway that currently serves two single-family dwellings to the east of the subject property (9412 and 9406 Qualla Road). The existing private drive terminates at 9412 Qualla Road and is of variable width, ranging from approximately nine (9) to ten (10) feet for approximately 220 feet off of Qualla Road.

Staff observed the current private driveway does not meet the typical requirements for the Chesterfield County Fire Department on the first 220 foot of the access. Condition 2 will require improvements to be made within the existing private drive to accommodate emergency vehicles.

Examination of Alternatives:

Area properties are zoned Agricultural and have been developed for single-family residential uses or are vacant. The Plan suggests the property is appropriate for Residential use and therefore, rezoning and subdivision of the property should be considered. Currently, two existing single family dwellings share an access off Qualla Road where the applicant is requesting access to the subject property. One of the single-family dwellings is owned by the applicant, which fronts approximately 92 feet on Qualla Road. This shared access has the potential to accommodate up to 5 single-family dwellings, which should be served by a state maintained road. In consideration of the above potential development, rezoning and construction of a State road, through the subdivision process, is recommended.

Additionally, staff evaluated the possibility of the applicant acquiring additional property to achieve required road frontage from the adjacent land owners to adjust the property boundary through a parcel modification. Given the applicant owns property to the east of the subject property, which fronts on Qualla Road, adjusting the property boundary to accommodate required road frontage is a viable alternative.

Two alternatives exist to alleviate the need for the variance request. Construction of a State road through the rezoning and subdivision process would benefit the subject property as well as the surrounding properties that are deficient in road frontage. Modifying the property boundaries through a Parcel Line Modification is also a viable option to bring the subject property into conformance with the Zoning Ordinance.

CONCLUSION

As required by the Zoning Ordinance, the property owner has provided no information which would serve as a basis for granting this variance. Staff finds that there are no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this variance were denied. Also, staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area. Finally, it is practical that, with the inclusion of the second parcel owned by the applicant, a Parcel Line Modification Plat could occur. Given the above, staff recommends denial of the request. However, if the Board feels this request has merit, staff recommends it be approved subject to the following conditions:

CONDITIONS:

1. Prior to approval of a building permit, the property owner shall provide a copy of a recorded instrument which will include the following:
 - (a) A condition that shall require that no structure or fence shall be constructed to block the access.
 - (b) A condition that shall require the land owner of the subject property to be responsible for maintenance of the access.

- (c) A thirty (30) foot private access easement from Point A to Point B, as shown on the plan attached to the staff report. (P)
- 2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
 - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight and shall be maintained to this standard. The roadway shall not be approved if it is rutted or potholed.
 - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
- 3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
- 4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)



